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11 UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF WASHINGTON  
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

2:20-CR-00053-WFN-1

16 vs.

United States' Sentencing  
Memorandum

17 JAZZLYNN JEAN JOHNSON,

18 Defendant.  
19  
20

21 Plaintiff, United States of America, by and through Joseph H. Harrington,  
22 Acting United States Attorney for the Eastern District of Washington, and Patrick J.  
23 Cashman, Assistant United States Attorney for the Eastern District of Washington,  
24 submits the following sentencing memorandum.

25 The United States recommends the Defendant be sentenced to a term of 30  
26 months imprisonment, followed by three years of supervised release. A sentence of  
27 30 months is appropriate based upon the 18 U.S.C. § 3553(a) factors and is no greater  
28 than necessary to meet the interests of federal sentencing.

I. Background

The United States requests an opportunity to file additional materials in  
response to any memorandum or factual assertions filed by the Defendant.

1 The United States relies on the summary of facts contained within the plea  
2 agreement. (ECF No. 227). The United States further relies on the facts contained  
3 within the United States Probation Office's ("USPO") draft Pre-Sentence  
4 Investigation Report ("PSIR"). (ECF No. 249).

5 II. Base Offense Level and Enhancements

6 The United States agrees the base offense level for Manufacture Counterfeit  
7 Obligations and Securities of the United States, pursuant to 18 U.S.C. § 471, is 9. *See*  
8 USSG §2B5.1(a). The United States further agrees the Defendant's base offense level  
9 is increased by six (6) additional levels because she manufactured or produced  
10 counterfeit obligations. *See* USSG §2B5.1(b)(3). Further, the United States also  
11 agrees the Defendant's base offense level is increased by an additional two (2) level  
12 for obstruction of justice. *See* USSG §3C1.1. The United States also agrees that the  
13 offense level should be decreased by 3 levels for the Defendant's timely acceptance of  
14 responsibility. *See* USSG §3B1.2(b).

15 The Defendant therefore has a total adjusted offense level of 14. The Criminal  
16 History Category as calculated by the USPO, which the United States agrees, is IV.  
17 Therefore, the United States calculates the Defendant has an advisory guideline  
18 sentencing range of twenty-seven (27) to thirty-three (33) months. Accordingly, the  
19 United States recommends a sentence of 30 months, followed by an agreed to three  
20 (3) year term of supervised release.

21 III. Departures

22 The United States does not seek an upward departure from the Advisory  
23 Guideline range.

24 IV. 18 U.S.C. § 3553(a) Factors

25 The United States respectfully submits that a 30 month term of imprisonment,  
26 followed by a 3-year term of supervised release, would be a "reasonable" sentence  
27 under the facts and circumstances of this case and would not be greater than necessary  
28 to promote the purpose and policy of the Federal Sentencing Act, 18 U.S.C. § 3553(a).

1 The Defendant's criminal acts involved the manufacturing, possession, and  
2 passing of counterfeit U.S. currency. Such behavior is serious and is not without  
3 financial harm to others, be it individuals or businesses. When an individual presents  
4 a counterfeit \$100 Federal Reserve Note (FRN) to a business, that business incurs  
5 significant loss. The business loses the product they sold, they lose the profit from  
6 the revenue derived from that sale, and they lose any money provided to the  
7 counterfeiter as change for the counterfeit \$100 FRN (which is not an uncommon  
8 practice of counterfeiters). There are significant additional collateral consequences  
9 for the business and the community. The business incurs the cost of having to employ  
10 individuals to conduct internal audits and investigation into the passing of counterfeit  
11 notes. The community incurs the cost of having its law enforcement tasked with  
12 investigating these offenses, straining already limited resources that alternatively  
13 could be investigating significantly more serious offenses. All of this is done so the  
14 individual counterfeiter can obtain "quick" money at the expense of others.

15 In this particular case, the Defendant played a significant role in the  
16 manufacturing of a substantial amount of counterfeit currency. The Defendant, upon  
17 release from pre-trial detention after being arrested for the manufacture of counterfeit  
18 currency, re-engaged with manufacturing counterfeit currency and attempted to pass  
19 the counterfeit note at a local business. The nature and circumstances of this case  
20 warrant a sentencing sufficient to reflect the seriousness of the Defendant's acts and  
21 her repeated disregard for the law. A sentence of 30 months is a measured sentence  
22 appropriate to portray the seriousness of her actions and promote respect for the law.

23 In addition to considering the nature and circumstances of the offense, the  
24 Court must consider the characteristics and criminal history of the Defendant. A  
25 review of the personal characteristics contained in the PSIR, do highlight a childhood  
26 that had significant hurdles that likely played a significant role in the Defendant's  
27 future engagement with criminal acts and controlled substances. ECF No. 249, ¶¶150-  
28 159. It is clear from the PSIR, the Defendant has a significant drug addiction that

1 warrants further treatment beyond that which she has already participated. ECF No.  
2 249, ¶¶160-173. However, while the above may provide mitigation worth  
3 considering, such mitigation is offset by the Defendant's accumulation of a significant  
4 criminal history in the short period of time she has been alive. The Defendant's  
5 criminal history ranges from misdemeanors to felonies. The Defendant in 2019  
6 entered into a deferred prosecution for Fourth Degree Assault, however after only nine  
7 months of deferral, the Defendant's deferral was revoked and she was sentenced to 15  
8 days in jail. Most relevant to the matter before the Court is the Defendant's  
9 conviction in February 2020 for Forgery with Intent to Injure or Defraud where the  
10 Defendant was sentence to 30 days home confinement. ECF No. 249, ¶121. In that  
11 case, the Defendant was arrested after a report of she and other individuals using  
12 counterfeit \$100 FRNs. Upon her arrest, "officers discover multiple items used for  
13 counterfeiting dollar bills, multiple \$100 bills..." ECF No. 249, ¶126. Furthermore,  
14 as noted in the PSIR, many of the Defendant's prior convictions resulted in  
15 supervision or probation, yet the Defendant continued undeterred from engaging in  
16 criminal acts.

17 A sentence of 30 months, followed by 3 years of supervised release  
18 appropriately balances the seriousness of the Defendant's acts in this matter, her  
19 disregard for the law, and her criminal history against the mitigating factors provided  
20 in the PSIR.

21 A sentence of 30 months, followed by 3 years supervised release is also  
22 appropriate because it will give the Defendant an opportunity to avail herself of the  
23 many programs within the Federal Bureau of Prison system. These programs range  
24 from mental health and drug treatment to educational and vocational training. Any  
25 and all of these programs, if used properly, should help the Defendant become a more  
26 productive member of society upon her release. Similarly, a sentence of 3 years  
27 supervision will provide the Defendant upon her release the assistance of a United  
28 States Probation Officer to ensure she continues to engage in any treatment, education,

1 and vocational training she needs to avoid relapsing into the lifestyle she maintained  
2 prior to her arrest and detention.

3 The United States acknowledges a lengthy period of incarceration may delay  
4 the Defendant's ability to pay any restitution that may be ordered in this case.  
5 However, when weighing the significantly egregious behavior of the Defendant  
6 against the risk of delayed restitution, the United States maintains a sentence of 30  
7 months is appropriate.

8 The United States is requesting restitution in the following amounts:

- 9 (a) \$218.98 to BECU Financial Crimes, to be served joint and several with co-  
10 Defendant Bryon Tellier; and  
11 (b) \$3,440.08 to BECU Financial Crimes, to be served solely by the Defendant.

12 V. Conclusion

13 Based on the foregoing, the United States recommends the Court impose a  
14 sentence that is fair and no greater than necessary to meet the interests of federal  
15 sentencing. The United States submits that sentence is a sentence of 30 months  
16 imprisonment followed by 3 years of federal supervision.

17 DATED: September 28, 2021.

18 Joseph H. Harrington  
19 Acting United States Attorney

20 s/ Patrick J. Cashman  
21 Patrick J. Cashman  
22 Assistant U.S. Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following, and/or I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant(s):

Bryan Whitaker

s/ Patrick J. Cashman

Patrick J. Cashman

Assistant United States Attorney